

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6726

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PHILIP BERNARD FRIEND,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:99-cr-00201-REP; 3:11-cv-00305-REP)

Submitted: July 19, 2012

Decided: July 26, 2012

Before DUNCAN, AGEE, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Philip Bernard Friend, Appellant Pro Se. Brian R. Hood, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia; David Novak, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

The district court denied relief on Philip Bernard Friend's 28 U.S.C.A. § 2255 (West Supp. 2012) motion. Friend appealed, and sought leave to proceed in forma pauperis on appeal. The district court denied leave to proceed in forma pauperis on appeal. On appeal of the denial of § 2255 relief, this court denied a certificate of appealability, denied leave to proceed in forma pauperis, and dismissed the appeal. United States v. Friend, 2012 WL 1405930 (4th Cir. 2012) (No. 11-7252). Friend now appeals the district court's order denying leave to proceed in forma pauperis on appeal. Because the appeal for which he seeks to proceed in forma pauperis has already concluded and this court specifically denied such leave, we dismiss this appeal as moot. We further deny Friend's motion to proceed in forma pauperis with respect to this appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED